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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ALEMAYEHO JIMMA,

10 Plaintiff,

11 v.

12 CITY OF SEATTLE, et al.,

13 Defendants.
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Case No. 2:18-CV-1819-RSL

ORDER GRANTING
PLAINTIFF'S MOTION TO
REOPEN CASE

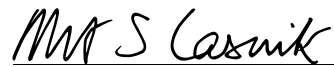
15 This matter comes before the Court on plaintiff's "Motion to Reopen Dismissed Case."
16 Dkt. #17. On April 5, 2019, the Court noted that service of the summons and complaint had not
17 been made on defendants as required by Federal Rule of Civil Procedure 4(m) and ordered
18 plaintiff to show cause why the complaint should not be dismissed. Dkt. #9; see Fed. R. Civ. P.
19 12(b)(5). Plaintiff filed a response on April 17, 2019. Dkt. #10. The City of Seattle filed a reply
20 on April 23, 2019, along with a declaration from Assistant City Attorney Susan Park ("ACA
21 Park"). Dkts. #11, #12. Plaintiff claims that he was not served with the reply and declaration
22 from ACA Park and was not given the opportunity to respond. Dkt. #17.

23 A motion to reopen is addressed to the Court's sound discretion. Brooks Mfg. Co. v. Dis-
24 Tran Wood Prod., LLC, No. C11-0309JLR, 2012 WL 12865267, at *1 (W.D. Wash. Sept. 12,
25 2012) (citing In re Roxford Foods, 12 F.3d 875, 879 (9th Cir. 1993)). The City's response
26 includes a Certificate of Service indicating that it was mailed to plaintiff at the address
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1 appearing in the Court docket. Dkt. #11 at 4. However, as plaintiff claims he did not receive it,
2 the Court will nevertheless permit plaintiff to file a reply.

3 For all the foregoing reasons, plaintiff's motion is GRANTED. The Clerk of Court is
4 hereby DIRECTED to serve plaintiff with the City's response, see Dkt. #11, and the declaration
5 of ACA Park, see Dkt. #12. Plaintiff is DIRECTED to file his reply within two weeks from the
6 date of this order. The Court hereby VACATES the judgment entered in favor of defendants on
7 April 25, 2019. See Dkt. #16.

8 DATED this 20th day of June, 2019.
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12 Robert S. Lasnik
13 United States District Judge
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